

Docket No. 22338-1015

U.S. Patent Application No. 10/630,329

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The Examiner has imposed a restriction under 35 U.S.C. §121 and is requiring an election between Group I, claims 1-21 and 23-26 drawn to anti-DR4 antibodies and compositions comprising same and, hybridomas producing anti-DR4 antibodies, classified in class 530, subclass 388.22 and class 435, subclass 70.21 respectively and Group II, claims 22 and 27-32 drawn to a method for inducing apoptosis or treating cancer using anti-DR4 antibodies, classified in class 424, subclass 143.1. Applicant elects to prosecute the subject matter of Group I. Applicant expressly reserves their right under 35 U.S.C. § 121 to file a divisional application directed to the nonelected subject matter during the pendency of this application, or an application claiming priority from this application.

Claims 1 to 32 were pending in the application but have been cancelled, without prejudice, by the present amendment. Claims 33 to 60, which pertain to the elected subject matter of Group I, have been added to the application. Applicant wishes to notify the examiner that, pursuant to 35 USC § 135(b) and MPEP § 2307.05, claims 33 to 58 have been copied from U.S. Patent No. 6,943,020 ("the '020 patent). Claims 33 to 58 of the present application correspond to claims 1 to 26 of the '020 patent. No new matter is introduced by the claim amendment as the new claims find support throughout the specification at, *inter alia*, pages 7-18 and 22-25, SEQ ID NOS:1 and 2, Examples 1-3, Figures, 1-4, and 8-17 and the claims as originally filed.

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Any fee required by this document pursuant and not submitted herewith should be charged to Deposit Account No. 18-1260, referencing Docket No. 22338-1015. Any refund should be credited to the same account.

Respectfully submitted,



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